

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA :
:
v. :
:
CORTEZ WEAVER, :
:
Defendant. :
.oo.

MOTION TO CONTINUE AND FOR A SCHEDULING CONFERENCE

The United States of America, by its undersigned counsel, hereby moves the Court to continue the trial currently scheduled for September 30, 2019 and to schedule a telephone conference at a time convenient for the Court and parties.

1. On March 20, 2019, a grand jury for the District of Maryland returned an indictment charging the defendant, Cortez WEAVER, a/k/a “Corty,” a/k/a “Tez,” and three co-defendants with conspiracy to distribute heroin, in violation of 21 U.S.C. § 846 (Count One); and conspiracy to commit Hobbs Act robbery, in violation of 18 U.S.C. § 1951(a) (Count Two). WEAVER and co-defendant Jamal JACKSON were also charged with possession of firearms in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c) (Counts Three and Four, respectively). ECF 12. Those charges were based on a “sting” operation that the Federal Bureau of Investigation (“FBI”) conducted in Spring 2019, in which the defendants made plans to commit a home invasion and robbery of a drug stash house.

2. On May 8, 2019, the Court held a conference call with all parties regarding scheduling. The Court set trial for the week of September 30, 2019. ECF 52.

3. In July and August 2019, WEAVER's three co-defendants pleaded guilty to the charges in the Indictment. ECF 53 (Re-Arraignment as to Jamal JACKSON, July 12, 2019); ECF 57 (Re-Arraignment as to Jermaine SUMPTER, July 22, 2019); ECF 65 (Re-Arraignment as to Kevin BROOKS, Aug. 1, 2019). WEAVER is the sole remaining defendant in the case.

4. On August 28, 2019, a grand jury for the District of Maryland returned a Superseding Indictment against WEAVER charging him with possession and use of a firearm in furtherance of a drug trafficking crime, resulting in death, in violation of 18 U.S.C. § 924(j). The new charge is based on the July 17, 2017 murder of Maurice Finney, a/k/a "Mitch," in the 3300 block of West Baltimore Street, which WEAVER is alleged to have committed in furtherance of the drug trafficking conspiracy charged in Count One.¹

5. Whereas government counsel initially estimated that trial on the "sting" charges would take approximately one week, government counsel now anticipates that trial of both the murder and "sting" charges will take approximately two weeks. In addition, government counsel expects that defense counsel will need additional time to prepare its defense case with respect to the murder charge. Furthermore, because the § 924(j) count carries a possible penalty of death, government counsel is required by Department of Justice policy to present the case to the Capital Case Section and to the Attorney General, who makes the final decision whether or not the United States will seek the death penalty in any given case. The death penalty review process typically takes "no fewer than 90 days" in non-expedited cases. *See* United States Attorney's Manual, Section 9-10.060.

¹ The Superseding Indictment also broadens the date range of the drug trafficking conspiracy charged in Count One.

For the foregoing reasons, the Government respectfully submits that a continuance of the currently scheduled trial is both necessary and appropriate in this case. A continuance will ensure (i) that the Court allots sufficient time to allow this case to be tried to verdict; (ii) that WEAVER's attorneys have sufficient time to prepare their defense against a serious charge; and (iii) that the Department of Justice has sufficient time to discharge its responsibility to determine whether the death penalty should be sought, with input from defense counsel if necessary. The government therefore requests that the Court continue the trial currently scheduled for September 30, 2019 and schedule a telephone conference at a time mutually agreeable to the Court and parties.

Respectfully submitted,
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By: _____/s/
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on September 4, 2019, a copy of the foregoing status report was filed electronically with the Court using the CM/ECF system and served using the CM/ECF system via e-mail to all counsel of record.

By: _____ /s/ _____

Christina A. Hoffman
Assistant United States Attorney